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U.S. DISTRICT COURT E.D.N.Y.

★ **MAY 05 2022** ★

May 4, 2022

VIA ECF

LONG ISLAND OFFICE

Hon. Joanna Seybert
Alfonse M. D'Amato Federal Building
United States District Court
100 Federal Plaza, Courtroom 1030
Central Islip, New York 11722

RE: *United States of America v. Perry Frankel*, No. 2:22-cr-00180-JS

Dear Judge Seybert:

This Firm represents Dr. Perry Frankel in the above-referenced case. Per the Court's order at Dr. Frankel's arraignment, the parties have conferred and reached an agreement regarding the bail condition relating to the submission of claims to federal health care benefit programs, including Medicare and Medicaid.

The parties submit for the Court's consideration the following condition:

All claims submitted or caused to be submitted by Dr. Frankel to Medicare, Medicaid, or any federal health care benefit program shall be reviewed by an independent auditor paid by Dr. Frankel per agreement of the parties. The Defendant is prohibited from submitting or causing the submission of claims to Medicare, Medicaid, or any federal health care benefit program for evaluation and management office visits under CPT Codes 99202-99205 and 99212-99215 in connection with COVID-19 testing at mobile testing sites.

In submitting this proposed condition of release, the parties also agree that the defendant does not concede that any previous use of billing codes was erroneous or otherwise waive any defense to this prosecution. For its part, the Government is not stipulating or agreeing that any claims submitted or caused to be submitted by Dr. Frankel to federal healthcare benefit programs and reviewed by the auditor are legitimate claims and that the services being billed for under the claims were actually provided as represented.

Hon. Joanna Seybert
May 4, 2022
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The Government previewed the contents of this letter and join in this request.

Very truly yours,

/s/ Timothy D. Sini

Timothy D. Sini

cc: Kelly M. Lyons, Esq. (via ECF)
Patrick J. Campbell, Esq. (via ECF)

SO ORDERED:


Joanna Seybert, USDJ

Dated: 5-5-2022

Central Islip, NY